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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/143,279	08/28/1998	TIMOTHY E. GILL		3330

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GLENN L WEBB
P.O. BOX 951
CONIFER, CO 80433

EXAMINER

ALAVI, AMIR

ART UNIT PAPER NUMBER

2621

DATE MAILED: 04/05/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/143,279

Applicant(s)

GILL ET AL.

Examiner

Amir Alavi

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 11, 2002 has been entered.

Response to Arguments

- Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gass, Jr. et al. (US 5,822,503).

Regarding claim 1, Gass, Jr. et al. teaches: means for selecting at least one color component from a first color model; means for selecting at least one additional color component from at least one other color model and means for assigning percentages to each of said selected color components. (Please note, fig.8, in correlation to column 9, lines 55-58, "If either of the RGB or HLS color models is selected, then the percentages 192 are listed in terms of red, green, blue, or hue, luminance, saturation, respectively. The dialog box can be used to modify colors in an EPS file in accordance with the invention". According to figure 8, the percentages applied to different color components of different color models can be varied).

Regarding claim 2, Gass, Jr. et al. teaches: means for defining the process color and the at least one other color applied to it into process color components, spot color components and percentage values (Please note, fig.8, in correlation to column 9, lines 45-47, "fig. 8 illustrates a dialog box 182 that contains the attributes necessary to define a color. Thus, the dialog box can be used to define a newly-created color or change the attributes of a color already in the color palette", According to figure 8, the percentages applied to different color components of different color models can be varied); means for converting said process color components and their percentage values into a coordinate set values for visual depiction (Please note, fig.6, element 152, in correlation to column 7, lines 12-15, "It is noted that process colors from all originating programs would be recognizable if they were saved as spot colors (using CMYK designation) in the originating program. However, these colors are no longer process colors upon their conversion"); means for determining said coordinate set values of said spot color components and means for applying percentages to said coordinate set of values of said spot color components according to said percentage values for said spot color components (Please note, fig.8, as shown in this figure, spot color components and their percentages are assigned accordingly); means for determining a value for said percentages of said spot color components layered onto said coordinate set of values converted from said process color components and means for converting said value into said coordinate set. (Please note column 7, lines 12-15, "It is noted that process colors from all originating programs would be recognizable if they were saved as spot

colors (using CMYK designation) in the originating program. However, these colors are no longer process colors upon their conversion”).

Regarding claim 3, Gass, Jr. et al. teaches, wherein, means for setting said coordinate set values for said process color components to said coordinate set values for the color white if there are no process color components. (Please note, fig.8, in correlation to column 9, lines 45-47, “fig. 8 illustrates a dialog box 182 that contains the attributes necessary to define a color. Thus, the dialog box can be used to define a newly-created color or change the attributes of a color already in the color palette”).

Regarding claim 4, Gass, Jr. et al. teaches, wherein, means for determining said value by an iterative process for each of the spot colors sequentially layered on the previously determined said value until said value is finally determined. (Please note, column 9, lines 57-60, “The dialog box can be used to modify colors in an EPS file in accordance with the invention. A user simply highlights the color of interest in the color palette, opens the dialog box 182, and makes desired changes to the named color”).

Regarding claim 5, Gass, Jr. et al. teaches, wherein said means for assigning said percentages of said spot color components according to said shade value includes: means for applying percentages to each of the components of the coordinate set values according to said percentage value for those components. (Please note, fig.8).

Regarding claim 6, Gass, Jr. et al. teaches, wherein, means for determining a value for each of the coordinate set components for each of said percentage values for each of said coordinates set components layered onto each of the components of said

coordinate set values converted from said process color components. (Please note, fig.8, in correlation to column 9, lines 45-47, "fig. 8 illustrates a dialog box 182 that contains the attributes necessary to define a color. Thus, the dialog box can be used to define a newly-created color or change the attributes of a color already in the color palette").

Regarding claim 7, Gass, Jr. et al. teaches: means for defining the document process color; means for defining each of at least one spot color to be applied onto the document process color and means for applying shade values to each of said document process color and to each of said at least one spot color (Please note, fig.8, in correlation to column 9, lines 55-58, "If either of the RGB or HLS color models is selected, then the percentages 192 are listed in terms of red, green, blue, or hue, luminance, saturation, respectively. The dialog box can be used to modify colors in an EPS file in accordance with the invention". According to figure 8, the percentages (shade values) applied to different color components of different color models can be varied); means for defining a new color based on the shade values applied for each of said document process color and for each of said at least one spot color and means for applying said defined new color to a document depicted visually on a computer monitor screen. (Please note, fig.6).

Regarding claim 8, Gass, Jr. et al. teaches, wherein , said means for defining the document process color includes means for defining the process color components of the document process color; and said means for applying shade values to each of

said document process color and to each of said at least one spot color includes: means for applying a shade value to each of the process color components of the document process color. (Please note, fig.8, as shown in this figure, spot colors and process colors are defined and each component accordingly could have different shade (percent) value).

Regarding claim 9, Gass, Jr. et al. teaches, wherein, said means for defining each of at least one spot color to be applied onto the document process color includes: means for defining the spot color model components of each of the at least one spot color to be applied onto the document process color; and said means for applying shade values to each of said document process color and to each of said at least one spot color further includes : means for applying a shade value to each of the components of each of the at least one spot color to be applied onto the document process color. (Please note, fig.8, according to this figure, different s of colors, i.e., spot colors are defined and a shade (percent) value can be applied to each component of different color models).

Regarding claim10 Gass, Jr. et al., teaches, wherein, said means for defining the document process color includes: means for defining the process color components of the document process color; said means for defining each of at least one spot color to be applied onto the document process color includes: means for defining the spot color model components of each of the at least one spot color to be applied onto the document process color and said means for applying shade values to each of said

document process color and to each of said at least one spot color further includes: means for applying a shade value to each of the process color components of the document process color and to each of the spot color components of each of the at least one spot color to be applied onto the document process color. (Please note, fig.8, in correlation to column 9, lines 55-58, "If either of the RGB or HLS color models is selected, then the percentages 192 are listed in terms of red, green, blue, or hue, luminance, saturation, respectively. The dialog box can be used to modify colors in an EPS file in accordance with the invention". According to figure 8, the percentages applied to different color components of different color models and types can be varied).

Regarding claim 11 Gass, Jr. et al., teaches, wherein, means for layering on each of said at least one spot color onto said document process color sequentially in an iterative process. (Please note, column 9, lines 57-60, "The dialog box can be used to modify colors in an EPS file in accordance with the invention. A user simply highlights the color of interest in the color palette, opens the dialog box¹⁸², and makes desired changes to the named color").

Regarding claim 12, Gass, Jr. et al. teaches, wherein, means for converting the defined new color obtained from said means for defining a new color into a spot color model for display onto a computer monitor screen. (Please note, figs. 2 and 6).

Regarding claim 13, arguments analogous to those presented for claim 7, are applicable.

Regarding claim 14, Gass, Jr. et al. teaches, wherein, converting said process color into an RGB value. (Please note, fig.8).

Regarding claim 15, Gass, Jr. et al. teaches, wherein, determining the RGB value for the spot color. (Please note, fig.8).

Regarding claim 16, Gass, Jr. et al., teaches, wherein, determining a value for said defined color based on each of said spot colors shaded by said assigned shade value layered onto each of said process colors. (Please note, fig.8, in correlation to column 9, lines 45-47, "fig. 8 illustrates a dialog box 182 that contains the attributes necessary to define a color. Thus, the dialog box can be used to define a newly-created color or change the attributes of a color already in the color palette").

Regarding claim 17, Gass, Jr. et al. teaches, wherein, defining the process colors by the components of the process color model and defining the spot colors by the components of the spot color model. (As shown in fig. 8, process and spot colors can be defined as their respective components).

Regarding claim 18, Gass, Jr. et al. teaches, wherein, assigning shade values to each of said components of the process colors and assigning shade values to each of said components of the spot colors. (As shown in fig.8, shade values(percent values) are assigned to each component of process and spot colors).

Contact Information

- Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amir Alavi whose telephone number is (703) 306-5913.
- The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 6:30 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Leo Boudreau, can be reached at (703) 305-4706.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 872-9314, ("draft" or "informal" communications should be clearly labeled to expedite delivery to Examiner)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the T.C. Customer Service Office whose telephone number is (703) 306-0377.

Amir Alavi
Patent Examiner
Group Art Unit 2621
March 25, 2002

Phuoc Tran
PHUOCTRAN
PRIMARY EXAMINER